

AUG 04 2006

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To the attention of:  
Fax numbers:

Mail Stop Petition  
571-273-8300  
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David Lewis

From:  
Phone and Fax:

David Lewis  
408-993-1800


Number pages being transmitted including this page 4

Re: Docket #: 11-2  
Serial No: 10/791,249  
Filing Date: March 2, 2004

Attached is a Request to Withdraw the Petition to Revive, Because the Petition is  
Moot.

The Commissioner is authorized to charge any payments that may be due and/or  
credit any overpayments that may have been made to my deposit account #503345 in  
connection with this communication.

Respectfully Submitted,

  
David Lewis  
Reg. No. 33,101

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I certify that this correspondence was  
(1) placed in an envelope addressed to

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450,

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Aug 4, 2006 by

  
David Lewis

Serial Number: 10/791,249

Confirmation Number: 5568

Filing Date: March 2, 2004

First Named Inventor: Michael Fiske

Examiner: Unknown

Art Unit: 2183

Docket Number: 11-2

Title:

EFFECTOR  
MACHINE  
COMPUTATION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Request to Withdraw the Petition to Revive, Because the Petition is Moot**

On July 25, 2006, a petition to revive the above-identified application was filed by mistake, because the application was never abandoned. The Applicant respectfully requests that the petition be withdrawn and the petition fee be refunded.

*Explanation*

The Applicant filed PCT/US06/26159, on July 3, 2006, and PCT/US05/44660 on December 9, 2006. At the time of filing the petition to revive, the Applicant's representative had confused these two applications for one another and therefore thought that a rescission of the nonpublication request (and the notification of foreign filing of the present application) had not been filed within the 45 day time period of the filing of

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PCT/US05/44660 on December 9, 2006, as would have been necessary to prevent abandonment. However, the subject matter of the current application is not contained within PCT/US05/44660. Although the subject matter of the current application is contained within PCT/US06/26159, 45 days after the filing date (July 3, 2006) of PCT/US06/26159 is August 18, 2006. A rescission of the nonpublication request was filed with the petition to revive on July 25, 2006, which was well before the deadline of August 18, 2006. Additionally, as a precaution a second rescission was filed by facsimile on the same day as this request for withdrawal, except the second rescission has Mail stop PG PUB on it and was faxed to 571-273-8300, whereas the first rescission was mailed to the Office of Petitions with the petition to revive. Accordingly, the current application is not and never was abandoned.

*Alternative Request (if the above request cannot be granted)*

Alternatively, if for some reason it is not possible to withdraw the petition to revive and refund the petition fee, the Applicant respectfully requests that the above remarks be considered with the Petition to Revive.

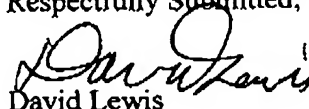
Conclusion

The Applicant respectfully requests to withdraw the petition to revive filed on July 25, 2006, because the present application was never abandoned, as explained above, and therefore the petition is moot. Alternatively, if for some reason the US Patent and Trademark Office cannot grant the present request to withdraw the petition to revive, it is requested that the above comments be considered with the petition to revive.

Please charge any fees that may be due (and that have not been paid for elsewhere) and credit any overpayment to Deposit Account # 503345.

Please feel free to contact the Applicant's undersigned representative at 408-993-1800 if contacting the Applicant's undersigned representative will be helpful in any way.

Respectfully Submitted,



David Lewis

Aug. 4, 2006  
Date

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